

JUN 10 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

v.

JOSEPH EDWARDS MONROE,

Defendant.

CRIMINAL No. 3:94CR00041

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on remand from the United States Court of Appeals for the Fourth Circuit (Docket no. 247) for the limited purpose of determining whether Defendant has established excusable neglect or good cause warranting extension of the ten-day appeal period. On March 10, 2008, I referred this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, to conduct proceedings and render a Report and Recommendation ("Report"). On May 23, 2008, Judge Crigler filed a Report (Docket no. 266) finding that the Defendant had demonstrated excusable neglect and good cause warranting extension of the ten-day appeal period. After a review of the record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the May 23, 2008 Report is hereby ADOPTED in its entirety;
2. the Court FINDS that Defendant has demonstrated excusable neglect and good cause warranting extension of the ten-day appeal period;
3. this matter is RETURNED to the United States Court of Appeals for the Fourth Circuit for further proceedings.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED: This 10th day of June, 2008



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE